



**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINED LAND RECLAMATION
P.O. DRAWER 900, BIG STONE GAP, VA 24219
TELEPHONE: (276) 523-8198**

OFFICE USE ONLY	
COPIED TO:	
<input type="checkbox"/>	Complainant
<input type="checkbox"/>	Company
<input type="checkbox"/>	P.R. Manager
<input type="checkbox"/>	Technical Section
<input type="checkbox"/>	Other (specify)

COMPLAINT INVESTIGATION

COMPLAINT NO.	INVESTIGATION NO.	PERMIT NO.	DATE/TIME RECEIVED	DATE OF REPORT
2000101	RES0001717	1102023	7/23/20 11:23 AM	7/23/20

COMPLAINANT NAME, ADDRESS, PHONE	COMPANY/PERMITTEE NAME, ADDRESS, PHONE
<div style="background-color: black; width: 100px; height: 100px; margin: 0 auto;"></div> <div style="text-align: center;">VA 24649</div>	HAROLD KEENE COAL COMPANY, INC. P. O. BOX 189 LACKEY, KY 41643 (606)946-2300

LOCATION	COUNTY(S)	RUSSELL
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Off of route 632 at 2271 Lynn Springs Road, Swords Creek, VA 24649. GPS coordinates N 37-05-06, W 81-55-37 in Russell County, VA. Quadrangle (Honaker).

COMPLAINT STATUS/DATE	COMPLAINT TYPE	INVESTIGATION TYPE
RESOLVED 7/23/20	HAULROAD	INITIAL, CLOSE OUT

ENFORCEMENT			
TYPE OF ACTION	ACTION NUMBER	COMPLAINANT NOTIFIED	REQUEST TO ACCOMPANY
		07/23/20 2:39 PM	NO

ATTACHMENT(S):

COMMENTS FROM:		
COMPLAINANT	<div style="background-color: black; width: 100px; height: 100px;"></div>	07/23/20 12:10 PM
COMPANY OFFICIAL		
INVESTIGATOR	STACY, RALPH	

COMPLAINANT'S COMMENTS	<div style="background-color: black; width: 100px; height: 100px;"></div>	07/23/20 12:10 PM
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The complainant said he wants to see if something can be done about the material from the mine haulroad that has washed onto the state road.

COMPANY OFFICIAL'S COMMENTS		
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INVESTIGATOR'S DESCRIPTION, COMMENTS, AND RECOMMENDATIONS	STACY, RALPH
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On 7/23/2020, area supervisor Tom Mackey notified area inspector Ralph Stacy of a complaint associated with permit 1102023. A complaint investigation was started on 7/23/2020. I called the complainant by phone and there was no answer. The complainant called me back at 11:58 AM. I lost phone signal and the call dropped after about four minutes. Before the call dropped, I was able to let the complainant know I'm on my way to investigate the complaint.

At approximately 12:08 PM, I arrived at the entrance to permit 1102023. Due to heavy rain in the area, material has washed from the mine haulroad onto the state road. The company has filed for bankruptcy and shut down. There are no workers or employees to notify of this complaint. Before I arrived onsite, VDOT cleaned the material off the state road.

At 12:10 PM, I arrived at the complainant's home. The complainant said he wants to see if something can be done about the material from the mine haulroad that has washed onto the state road. I let the complainant know that VDOT cleaned the material off the state road. I explained to the complainant that I would complete the investigation and contact him by phone with the results.



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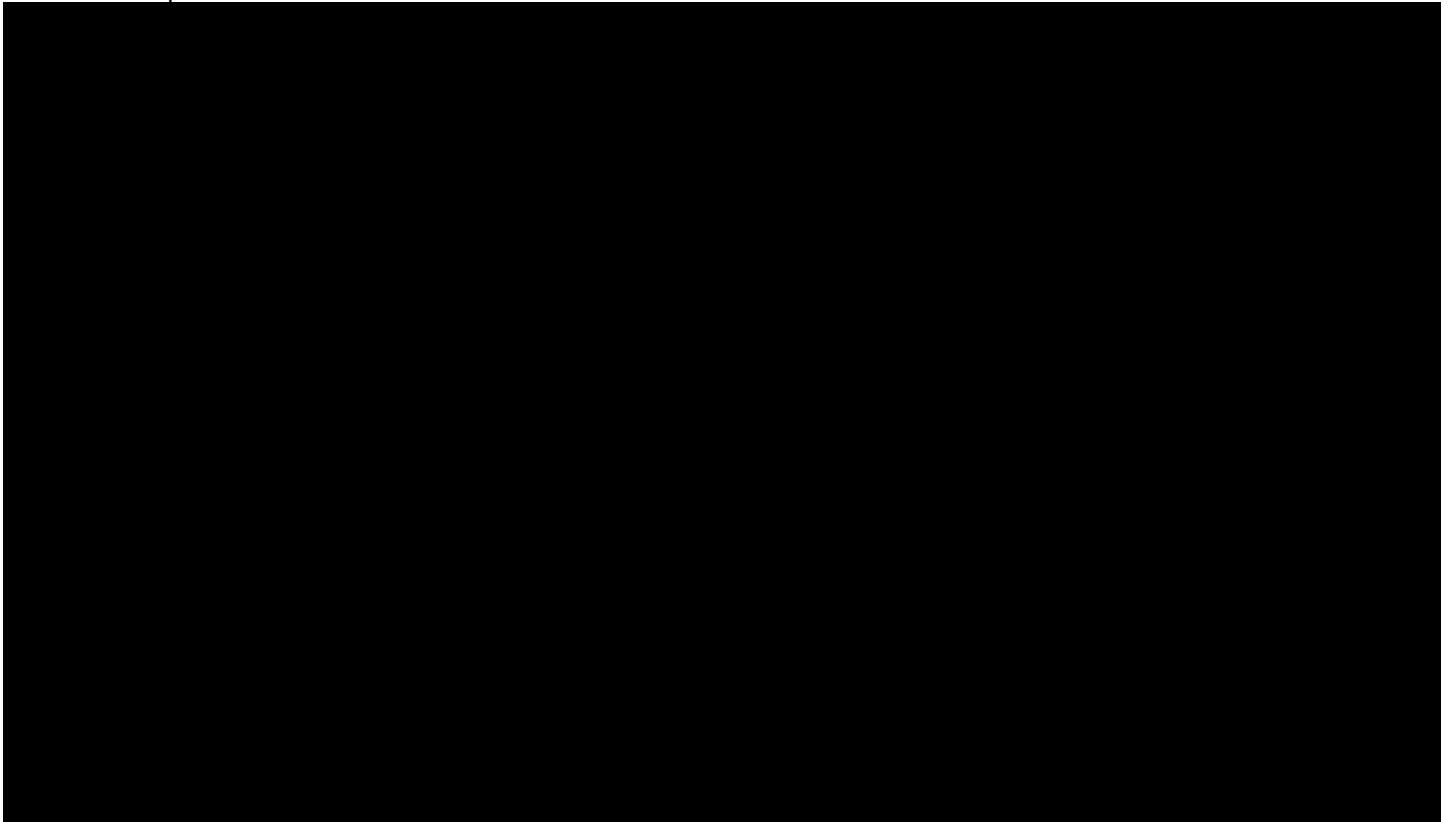
RES0001717

COMPLAINT INVESTIGATION

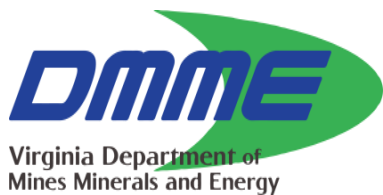
At approximately 12:45 PM, I arrived back at the mine site to complete this investigation. VDOT has cleaned the material off the state road and a contractor has been contacted to clean the sumps and haulroad. Pictures were taken of the haulroad, state road, and the material VDOT cleaned off the state road.

At approximately 2:39 PM, I was able to reach the complainant by phone with the results of this investigation. I explained to the complainant that VDOT has cleaned the state road and a contractor has been contacted to clean the sumps and haulroad. I told the complainant the complaint was going to be closed out. The complainant was informed that if he disagrees with the findings of this investigation that he has the right to request an informal hearing and this information would be on the report he receives in the mail. This is the initial inspection and hereby closes out this complaint.

Below is a map of the area:



The Pictures Below Show Site Conditions on 7/23/2020:



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Pic 1 Haulroad



Pic 2 State Road at Haulroad



Pic 3 Material Removed by VDOT



Pic 4 State Road Below Haulroad



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COMPLAINT INVESTIGATION

In accordance with 4 VAC 25-130-842.15 of the Virginia Coal Surface Mining Reclamation Regulations (Review of Decision not to Inspect or Enforce):

- (a) Any person who is or may be adversely affected by a coal exploration or surface coal mining and reclamation operation may ask the Director to review informally an authorized representative's decision not to inspect or take appropriate enforcement action with respect to any violation alleged by that person in a request for an inspection under ' 4 VAC 25-130-842.12. The request for review shall be in writing and include a statement of how the person is or may be adversely affected and why the decision merits review.
- (b) The Division shall conduct the review and inform the person, in writing, of the results of the review within 30 days of his receipt of the request. The person alleged to be in violation shall also be given a copy of the results of the review.
- (c) Informal review under this Section shall not affect any rights which a citizen may have to formal review under Section 45.1-249 of the Act¹, or a citizen's right to file suit pursuant to Section 45.1-246.1 of the Act.
- (d) Any person who requested a review of a decision not to inspect or enforce under this Section and who is or may be adversely affected by any determination made under Subsection (b) of this Section may request review of that determination by filing an application for formal review and request for hearing under the **Virginia Administrative Process Act** Section **2.2-4000A** et seq of the Code of Virginia.

A request for a review of the complaint investigation and/or for a formal hearing should be addressed to the attention of the:

**Hearings Coordinator
Division of Mined Land Reclamation
P. O. Drawer 900
Big Stone Gap, Virginia 24219**

¹ Virginia Coal Surface Mining Control and Reclamation Act of 1979, as amended.